



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/761,008

01/20/2004

Richard Baker

09991-133001

9638

26178 7590 03/03/2011

FISH & RICHARDSON P.C.

P.O. BOX 1022

MINNEAPOLIS, MN 55440-1022

EXAMINER

LEFF, STEVEN N

ART UNIT

PAPER NUMBER

1782

NOTIFICATION DATE

DELIVERY MODE

03/03/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/761,008	Applicant(s) BAKER ET AL.	
	Examiner STEVEN LEFF	Art Unit 1782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-29 and 37-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-29 and 37-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/11/11</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/11/11 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With respect to claim 14, the specification is silent to teaching a media viscosity at a specific temperature of 68F. More specifically though applicants pre-grant publication at par. 0007 teaches media viscosity of 70-100 cps at room temperature, the teaching of media viscosity at a specific temperature of 68F. is not supported by applicants specification. It is further noted that applicants pre-grant specification at par. 0023 defines "room temperature" as a temperature "above freezing" and more specifically a temperature range of 40-120F., and thus "the media has a viscosity of about 70-100 cps at 68F." is subject matter which was not originally described in the specification.
- Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With respect to claim 16, the specification is silent to teaching "the media comprises predominantly a fat or wax and is a solid at 68 degrees F." Though applicants pre-grant publication at par. 0024

Art Unit: 1782

last two lines teaches “fats are solid at room temperature” and par. 0025 states fats and waxes are “meltable” the teaching that the fats are solid at a temperature of 68F. is not described in the specification. In addition, the teaching that the wax is solid, and more specifically the wax at a temperature of 68F is solid is also not described in applicant’s specification, and thus “the media comprises predominantly a fat or wax and is a solid at 68 degrees F.” is subject matter which was not originally described in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Claim 1-11, 13-29 and 37-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claims 1 and 27 are rejected due to the phrase “while the food product that bears the surface both (a) is in a stable state such that the predetermined pattern on the surface will be maintained for a period of at least 10 minutes and (b) has a gravity of flowability of 50% or more in 24 hours or less” since it is unclear if these condition are relative to the substrate at the time of printing or with respect to desired substrates which are to be printed. For example, it is unclear if phrase (a) actually requires the image being maintained in a stable state for at least 10 minutes, or if the phrase broadly requires a stable state which under the same constant conditions such as temperature, and/or lack of movement could maintain a pattern for 10 minutes. In addition with respect to (b) it is unclear if the phrase is with respect to the food product actually in a state which has at the time of media ejecting a gravity of flowability of 50% or more in 24 hours or less, such that the food product exhibits a viscous or non-solid property at the time of media ejection such as pudding, or water at atmospheric temperatures, or if the phrase is with respect to a food product which over the course of a time of 24 hours or less, “has a gravity of flowability of 50% or more” such as ice cream in non-freezing conditions as the ice cream melts, or if the phrase is with respect to something different altogether.
 - Claim 7 is rejected since the phrase “the drop volume” lacks antecedent basis and thus it is unclear if the drop volume is with respect to the volume of each individual fluid drop,

if "the drop volume" is with respect to the total volume of the series of jettable media of Independent claim 1 which are ejected at one time to achieve the entire predetermined pattern, if the phrase is with respect to the total volume of media which is needed prior to ejecting, or if the phrase is with something different all together.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- Claims 1-11, 13-29 and 37-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shastry et al. (WO 2004/003089) as evidenced by <http://pumplocker.com/images/lit/WEII/FLUX-HIGH-VISCOSITY-B0000-VISC-CHART-1.PDF> in view of Soehnlén et al. (6355290).

Shastry et al. teach a method of ink-jet printing (par. 0017) edible substrates such as "puddings" and "creams" and "ice cream" (par. 0019), in addition to Shastry et al. teaching "almost any edible surface to be printed" (par. 0056). Thus with respect to Independent claims 1 and 27, Shastry et al. teach ejecting a jettable media (par. 0018) on a surface of a food product from an ink jet printer as a series of fluid drops in a predetermined pattern on the surface (par. 0017) while the food product that bears the surface both (a) is in a stable state in one instance with respect to defined surfaces such as hydrophobic substrate surfaces or non porous surfaces (par. 0031) or with respect to broadly any material capable of accepting a pattern at the time of printing or in the

instance with respect to being in a stable states since the substrate is not moving relative to the print head at the time of ink ejection (par. 0017) for producing images of high resolution (par. 0054). Further at the time of printing the product that bears the surface also has (b) a gravity of flowability of 50% or more in 24 hours or less since Shastry et al. teach pudding which per applicants specification at pre-grant paragraph 0023 is taught as the substrate or further with respect to ice cream as taught by Shasty et al. since ice cream melts at temperatures of greater than 32F. in a time of 24 hours or less. It is further noted with respect to the combination (a) and (b) that claim 6 teaches a viscosity of 50000 cps or less at the time of printing and claim 7 teaches a desired viscosity of the food product of about 50 to 110 cps and thus Shastry et al. teach applicants claimed viscosities with respect to “creams” (col. 1 line 20) and “puddings” (col. 2 line 25) as evidenced by VISCOSITY CHART (<http://pumplocker.com/images/lit/WE11/FLUX-HIGH-VISCOSITY-B0000-VISC-CHART-1.PDF>) where it is noted applicants claimed viscosity is silent to temperatures, thus cream at 20C (68F) has a viscosity of 11-115cps and pudding 1.00cps at 40C (104F), thus Shastry et al. teach applicants desired food state.

Shastry et al. further teaches with respect to claim 2 that the media has a viscosity which is greater than a viscosity of the food product at a temperature of the food product during application (par. 0031), with respect to claims 8, 37 and 39 that the printer is a drop on demand ink jet printer (par. 0041) with respect to claim 9, a piezoelectric inkjet printer (par. 0017) capable of ejecting a series of drops for deposition on a flowing substrate, in a predetermined pattern (par. 0017) and ejecting the jettable media on a surface of the food product and “reducing diffusion of the jettable media in the food product” with respect to claim 3 since Shastry et al. teach ink which solidifies upon contact with the food substrate. Shastry et al. further teach regarding claim 11 the image at a resolution of 50 dpi or more (par. 0054), with respect to claim 10 heating the media to a temperature of about 63C to about 180C (par. 0041), which is within applicants claimed range of 40 to 140C and with respect to claim 13 that the media has a viscosity of 5-20 cps. when ejected (par. 0041).

In addition Shastry et al. teach with respect to claim 15 that the media has a water soluble carrier (par. 0033) and more specifically with respect to claim 16 that the media comprises an alcohol, acid, water or combinations thereof (par. 0033). Shastry et al. further teach with respect to claim 17 that the media comprises predominantly a fat or a

wax which is solid at room temperature (par. 0030), with respect to claim 18 that the media is insoluble in the food product (par. 0031), with respect to claim 19 that the media comprises a visible dye additive (par. 0023), claim 20 a flavor additive (par. 0038), and claim 21 that the food product comprises a dairy product, in the instant case ice cream (par. 0019).

However Shastry et al. is silent with respect to claims 1 and 27 reducing the flowability of the food product, with respect to claim 3 by cooling the product, with respect to claim 4 cooling to a temperature of 32F or less with respect to claim 24 that the food is at a temperature of 40-120F. while ejecting media. Shastry et al. is further silent to packaging of the food, thus Shastry is further silent with respect to enclosing the food product in a container after ejecting the media, or prior to reducing diffusion of the jettable media, transporting the food product in the container to a post-processing station to reduce diffusion of the media in the product which is a freezer.

Soehnlen et al. teach an ice cream manufacturing and packaging process (abstract). More specifically Soehnlen et al. teach the commercial making of ice cream starts with conventionally, liquid ingredients, including dairy products, placed in a mix tank 10 and blended (col. 11 lines 31-40). The blended liquids are conveyed to a cooler 12 where mixing continues and the mixed ingredients are chilled. The chilled mixed ingredients become more viscous and take on the consistency of soft ice cream. This material is conveyed by a pump 14 through an ingredient feed 16 to a package filler 18. Two elements come together at the package filler 18. These elements are: the soft ice cream product and the package (col. 12 lines 12-14). Soehnlen et al. continue by transporting the food product in the container to a post-processing station to reduce diffusion of the media in the product which is a flash freeze (col. 14 lines 18-28) and enclosing the food product in a container (col. 12 lines 25-29).

Thus since Shastry et al. teach printing on ice cream and more specifically since Shastry et al. '3089 teach pudding, and cream which are flowing products which require packaging and ice cream where if not kept at 32F ice cream will melt in addition to teaching the advantage obtained due to wax-based inks which solidify on contact (par. 0056). One of ordinary skill in the art at the time of invention by applicant would have been motivated to combine the teachings thus further provide the advantage of maintaining the resolution of the image since the melting of ice cream, would cause the

ink to “run” or “bleed” and since “reducing the flowability of the food product” with respect to the ice cream as taught by Shastry et al. flows logically for its art recognized purpose of keeping the ice cream from melting thus providing a method of printing which is capable of not only printing on viscous substrates which are flowable but further maintaining this image since the provision of providing an image on almost any edible substrate, as is taught by Shastry et al. (par. 0055) is a desirable feature, which would further enhance the edibles overall appearance thereby further increasing sales.

Thus with respect to Independent claims 1 and 27 since lower temperatures, lowers surface energy and reduces the tendency of an ink to spread across the surface of the edible substrate, it would have been obvious to one of ordinary skill in the art at the time of the invention to teach reducing the flowability of the food product after printing thus preventing the media from “running” or “bleeding” since the product flowability has been lowered and more specifically with respect to ice cream preventing melting as taught by Soehlen et al.

With respect to an image bleed of 10% or less in 30 minutes, since the degree that an image bleeds is dependant upon different factors, such as the surface characteristics and since Shastry et al. teach achieving applicants desired resolution on ice cream. It would have further been obvious to one of ordinary skill in the art at the time of the invention by the applicant to reduce the flowability of the ice cream, and more specifically freezing the ice cream such that an image bleed of 10% or less in 30 minutes, thus maintaining the desired high resolution image as taught by Shastry et al. by precluding melting thereby provide a method of printing which is capable of not only printing on viscous substrates which are flowable but further on relatively minimally viscous substrates which are flowable since the provision of providing an image on almost any edible substrate, as is taught by Shastry et al. (par. 0055) is a desirable feature, which would further enhance the edibles overall appearance thereby further increasing sales.

With respect to enclosing the food product in a container after ejecting the media, or prior to reducing diffusion of the jettable media, or transporting the food product in the container to a post-processing station to reduce diffusion of the media in the product which is a freezer, Shastry et al. does teach printing of consumer products such as pudding, creams and ice cream (par. 0017) with ink which solidifies upon contact.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have provided a container prior to or after printing for protecting the edible substrate after the image has been applied for packaging purposes since packaging steps with respect to the consumer products as taught by Shastry et al. would provide the advantage of containing the edible substrate in a container after the application of the image for shipping and/or transporting purposes.

In addition, although Shastry '3089 is silent with respect to providing a container prior to or after printing for protecting the edible substrate after the image is applied, since it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom," (see MPEP 2144.) and since Shastry et al. '3089 teach pudding, cream which are flowing product and ice cream where if not kept at 32F ice cream will melt where freezing as taught by Soehnlén et al. would further provide the advantage of solidifying the edible thereby maintaining the resolution of the image since the melting of ice cream would cause the ink to "run" or "bleed". Thus it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to further to protect the edible substrate from the environment since in the instance of ice cream the image will "run" or "bleed" as the viscosity thereof decreases as a result of the ice cream melting and since keeping the ice cream from melting flows logically thus yielding predictable results to one of ordinary skill in the art at the time of the invention in order to ensure that the desired image resolution is maintained.

Although Shastry et al do not teach a specific drop volume of 200pL or 120pL or less, Shastry et al. does teach the use of a drop on demand ink jet printer for producing images on edible substrates where the resolution of the image should be greater than 50 dpi. up to 300 dpi., (par. 0054) in addition to the use of fats and waxes for the purpose of achieving the image qualities on flowable edibles by phase change jettable media. Therefore, since the referenced printing means and resolution meet those of the instant claims, and since Shastry et al. teach a phase changing jettable media which solidifies on the flowable food (par. 0031) for achieving the desired image resolution and due to the fact that resolution is a direct result of drop size. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to teach a specific drop volume of 200pL or 120pL or less since these are properties which affect the desired

image resolution, thus teaching a desired drop size which would provide the desired resolution of at least 50 drops per inch (dpi) which is positively taught by Shastry et al. where Shastry et al. teach resolution of up to 300 dpi., (par. 0054)

Similarly though Shastry et al. is silent to the viscosity of the media being 70-100 cps at 68 F. or that the media is solid at 68F, Shastry et al. does teach applicants claimed media in addition to teaching printing on both hydrophobic surfaces and non porous surfaces (par. 0031). Thus it would have been obvious to one of ordinary skill in the art to teach the viscosity of the media being 70-100 cps at 68 F. since not only does the ink viscosity vary depending on the composition of the ink and the temperature as taught by Shastry et al. (par. 0041) but it would have further been obvious for the purpose of optimizing ink properties relative to the specific food being printed thus providing media which achieves good adhesion to the substrate depending on the substrates surface at the time of ejecting of media to achieve a resolution of greater than 100 dpi as taught by Shastry et al. (par. 0017).

With respect to claim 24 since Shastry et al. teaches printing which is capable of not only printing on viscous substrates which are flowable but further on relatively minimally viscous substrates which are flowable it would have been obvious to one of ordinary skill in the art to teach that the food is in a temperature range of 40-120F since the provision of providing an image on almost any edible substrate, as is taught by Shastry et al. (par. 0055) is a desirable feature, thus further optimizing ink properties relative to the specific food being printed thus providing media which achieves good adhesion to the substrate depending on the substrates surface at the time of ejecting of media to achieve a resolution of greater than 100 dpi as taught by Shastry et al. (par. 0017).

Further since Shastry et al. teach ink jet printing for the purpose of not only producing a high resolution image on an edible substrate of the consumer's choice, but to further provide a method of printing which is capable of not only printing on viscous substrates but further on relatively minimally viscous substrates it would have further been obvious to one of ordinary skill in the art at the time of the invention by the applicant to teach that the desired product to be printed is a coffee drink including a dairy product since the provision of providing an image on almost any edible substrate, as is taught by Shastry et al. (par. 0055) is a desirable feature, which would further enhance

the edibles overall appearance thereby further increasing sales. In addition, since Shastry et al. teach the provision of providing an image on almost any edible substrate, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to serve the food product to a consumer within 45 minutes of ejecting the media, thus further enhancing the edibles overall appearance thereby further increasing sales.

Response to Arguments

With respect to applicants argument that providing Shastry '3089 is silent to the state of the food product or the gravity flowability of the food at the time of printing, it is noted that Shastry positively teaches applicants same claimed material with respect to pudding. It is further noted that Shastry et al. teach ejecting a jettable media (par. 0018) while the food product that bears the surface both (a) is in a stable state in one instance with respect to defined surfaces such as hydrophobic substrate surfaces or non porous surfaces (par. 0031) or with respect to broadly any material capable of accepting a pattern at the time of printing or in the instance with respect to being in a stable state since the substrate is not moving relative to the print head at the time of ink ejection (par. 0017) for producing images of high resolution (par. 0054). The surface also has (b) a gravity of flowability of 50% or more in 24 hours or less since Shastry et al. teach pudding which per applicants specification at pre-grant paragraph 0023 is taught as the substrate or further with respect to ice cream as taught by Shastry et al. since ice cream melts at temperatures of greater than 32F. in a time of 24 hours or less. It is further noted with respect to the combination (a) and (b) that claim 6 teaches a viscosity of 50000 cps or less at the time of printing and claim 7 teaches a desired viscosity of the food product of about 50 to 110 cps and thus Shastry et al. teach applicants claimed viscosities with respect to "creams" (col. 1 line 20) and "puddings" (col. 2 line 25) as evidenced by VISCOSITY CHART (<http://pumplocker.com/images/lit/WEII/FLUX-HIGH-VISCOSITY-B0000-VISC-CHART-1.PDF>) where it is noted applicants claimed viscosity is silent to temperatures, thus cream at 20C (68F) has a viscosity of 11-115cps and pudding 1.00cps at 40C (104F), thus Shastry et al. teach applicants desired surface.

With respect to applicants argument that Shastry only teaches food products and not the specific surface chemistry of the food at the time of printing, it is noted that the features upon which applicant relies (i.e., that (a) and (b) are only relative to the surface and not the entire product) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is further noted that applicant appears to make a distinction between the prior art and applicants claims with respect to distinguishing a difference between the food surface and the product itself and attempts to base patentability on this difference since Shastri et al. does not teach the gravity of flowability of the surface of the food product during printing. However applicants specification only describes the surface relative to the food product, i.e. "A high resolution, multicolor image can be formed on a delicate surface such as a food product in a low viscosity, easily flowable state" and thus Shastri et al. teach applicants claimed viscosities with respect to "creams" (col. 1 line 20) and "puddings" (col. 2 line 25) as evidenced by VISCOSITY CHART (<http://pumplocker.com/images/lit/WEIL/FLUX-HIGH-VISCOSITY-B0000-VISC-CHART-1.PDF>) where it is noted applicants claimed viscosity is silent to temperatures, thus cream at 20C (68F) has a viscosity of 11-115cps and pudding 1.00cps at 40C (104F), thus Shastri et al. teach applicants desired food state.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Leff whose telephone number is (571) 272-6527. The examiner can normally be reached on Mon-Fri 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/761,008
Art Unit: 1782

Page 12

/Steven Leff/

Examiner, Art Unit 1782